

Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 AF-10 ISO-00 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15
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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC IMMEDIATE 9632

INFO AMEMBASSY BONN

AMEMBASSY DAR ES SALAAM

AMEMBASSY GABORONE

AMEMBASSY LAGOS

AMEMBASSY LONDON

AMEMBASSY LUSAKA IMMEDIATE

AMEMBASSY MAPUTO

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY PRETORIA IMMEDIATE

AMCONSUL CAPETOWN IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 2 USUN 0570

FOR EMBASSY CAPETOWN

E.O. 11652: GDS

TAGS: PORG, SF, WA

SUBJECT: NAMIBIA: CONTACT GROUP DISCUSSION OF CLARIFYING
LANGUAGE WITH SWAPO

REF: A) USUN 528; B) USUN 554

1. SUMMARY: CONTACT GROUP MET FEBRUARY 16 WITH SWAPO
PRESIDENT SAM NUJOMA TO DISCUSS CLARIFYING LANGUAGE
CONTAINED REFS A AND B. NUJOMA WAS COMPLETELY UNYEILDING
ON THOSE POINTS DISCUSSED. HE REVERTED TO HIS PAST
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INSISTENCE ON THE SUPERIORITY OF THE SPECIAL REPRESENTATIVE
OVER THE ADMINISTRATOR GENERAL AND ON A MINIMUM OF 5000
SOLDIERS AS THE SIZE OF THE UN MILITARY PRESENCE.
END SUMMARY.

2. WESTERN FIVE CONTACT GROUP MET 0800 FEBRUARY 16
WITH SWAPO PRESIDENT SAM NUJOMA AND TEN OTHER MEMBERS

OF SWAPO DELEGATION FOR DISCUSSION OF CLARIFYING LANGUAGE CONTAINED REF A (AND REVISED REF B). AMBASSADOR MCHENRY BEGAN BY NOTING THE CONTACT GROUP'S EFFORT THROUGH THIS NEW LANGUAGE TO MEET SWAPO'S STATED CONCERNS AS EXPRESSED TO THE FOREIGN MINISTERS, AND HE EXPRESSED THE GROUP'S DESIRE TO FIND AS MANY AREAS OF AGREEMENT AS POSSIBLE SO THAT THE CONTINUING AREAS OF SUBSTANTIVE DISPUTE CAN BE ESTABLISHED AND FOCUSED ON. MCHENRY THEN STATED THAT WE HAD NOT MADE ANY CHANGES IN THE PROPOSAL REGARDING WALVIS BAY OR THE SIZE AND LOCATION OF THE SOUTH AFRICAN FORCES. HE EXPLAINED THAT THESE ARE DEFINITELY AREAS OF SUBSTANTIVE DISAGREEMENT AND THE CLARIFICATIONS ARE INTENDED TO DEAL ONLY WITH THOSE ISSUES ON WHICH THE PARTIES APPEAR GENERALLY TO AGREE. IN ORDER TO FOCUS DISCUSSION, GROUP PRESENTED ONLY THE CLARIFYING LANGUAGE WHICH SPECIFICALLY ADDRESSED SIX PRIMARY ISSUES DISCUSSED IN DETAIL BELOW. FOR EASE OF UNDERSTANDING, THIS CLARIFYING LANGUAGE WAS PRESENTED TO SWAPO IN AN INFORMAL PAPER WHICH JUXTAPOSED THE NEW LANGUAGE AND THE OLD. FOLLOWING RECEIPT OF THE PAPER AND AN EXPLANATION OF THE LANGUAGE, SWAPO REQUESTED A SHORT ADJOURNMENT FOR FURTHER CONSIDERATION.

3. FOLLOWING AND ADJOURNMENT OF AN HOUR AND A HALF, SWAPO RETURNED TO PROVIDE GROUP WITH ITS REACTIONS, AND DISCUSSION ENSUED AS FOLLOWS:

A) THE RELATIONSHIP BETWEEN THE ADMINISTRATOR GENERAL
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AND SPECIAL REPRESENTATIVE: THE CONVERSATION CENTERED AROUND THE PROPOSED SENTENCE: "IF HE (THE SR) IS NOT SATISFIED WITH ANY MEASURE ENVISAGED WHICH AFFECTS THE POLITICAL PROCESS, IT SHALL NOT TAKE EFFECT." SWAPO REJECTED THIS SENTENCE AS INADEQUATE BECAUSE IN THEIR VIEW IT DOES NOT CLEARLY ESTABLISH THE SUPERIORITY OF THE SPECIAL REPRESENTATIVE OVER THE ADMINISTRATOR GENERAL. DESPITE OUR EFFORTS TO PERSUADE THEM THAT SUCH SUPERIORITY WAS CLEARLY IMPLIED AND THAT WE WERE ATTEMPTING TO FIND A FORMULA ACCEPTABLE TO BOTH SIDES, SWAPO INSISTED THAT THE SPECIAL REPRESENTATIVE HAVE THE RIGHT OF APPROVAL NOT SIMPLY OF SATISFACTION.

B) MECHANISM FOR SETTling DISPUTES REGARDING POLITICAL PRISONERS: AT ISSUE WAS THE SENTENCE: "ANY DISPUTES CONCERNING THE RELEASE OF POLITICAL PRISONERS OR POLITICAL DETAINEES SHALL BE RESOLVED TO THE SATISFACTION OF THE SPECIAL REPRESENTATIVE ACTING ON THE INDEPENDENT ADVICE OF A JURIST OF INTERNATIONAL STANDING WHO SHALL BE DESIGNATED BY THE SECRETARY GENERAL TO BE THE SPECIAL REPRESENTATIVE'S CHIEF LEGAL ADVISER". SWAPO OBJECTED TO THIS MECHANISM ARGUING THAT "THERE IS NO NEED TO CREATE A SEPARATE AUTHORITY" FROM THAT OF THE SPECIAL REPRESENTATIVE. WE REPLIED THAT NO SEPARATE AUTHORITY WOULD BE CREATED AND THAT THE PROPOSAL WAS BASED ON

THEIR OWN SUGGESTION THAT DISPUTES BE HANDLED BY THE SPECIAL REPRESENTATIVES' LEGAL STAFF. SWAPO'S SUSPICIONS OF ANYTHING WHICH SEEMS EVEN REMOTELY INDEPENDENT OF THE SPECIAL REPRESENTATIVE AND PERHAPS THEIR INABILITY TO UNDERSTAND FULLY THE CONCEPT, PREVENTED US FROM CONVINCING THEM OF THE VALUE OF THIS MECHANISM WHICH BY DESIGN IS STACKED IN THEIR FAVOR. SWAPO, THEREFORE, PREFERS THE ORIGINAL LANGUAGE OF THE PROPOSAL ON THIS POINT. (ON THE OTHER HAND, SOUTH AFRICA OBJECTED TO THE ORIGINAL LANGUAGE.)

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C O N F I D E N T I A L SECTION 2 OF 2 USUN 0570

CAPETOWN FOR EMBASSY

C) SIZE OF THE UN MILITARY PRESENCE: CONTRARY TO THE POSITION IT TOOK IN CONVERSATION WITH SECRETARY VANCE LAST WEEKEND, SWAPO INSISTED THAT A MINIMUM SIZE MUST BE STATED AND RECOMMENDED 5000. SWAPO INSISTS THAT THIS IS TOO IMPORTANT A MATTER TO LEAVE IN THE UNRESTRICTED HANDS OF THE SECRETARY GENERAL.

D) POLICE FORCES: SWAPO MADE NO COMMENT ON THE LANGUAGE RELATING TO THE WEAPONS RESTRICTIONS ON THE POLICE

BUT INSISTED THAT THE POLICE FORCE BE PLACED UNDER THE OPERATIONAL CONTROL OF THE SPECIAL REPRESENTATIVE. AS WITH THE RELATIONSHIP BETWEEN THE AG AND SR, SWAPO IS HERE INSISTING ON CONFIDENTIAL

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SUPERIORITY.

E) PROVISION REGARDING ARMS, MILITARY EQUIPMENT AND AMMUNITION OF CITIZEN FORCES AND COMMANDOS: IN THIS REGARD SWAPO SIMPLY STATED THAT THEY PREFERED THE ORIGINAL LANGUAGE MINUS THE PARENTHETICAL WORDS "OTHER TAN PERSONAL" TO THE CLARIFYING LANGUAGE.

F) TIMING OF RELEASE OF POLITICAL PRISONERS: HERE SWAPO REITERATED ITS CALL FOR THE RELEASE OF ALL POLITICAL PRISONERS WITHIN TWO WEEKS OF THE SPECIAL REPRESENTATIVES ARRIVAL.

4. UNABLE TO OBTAIN ANY MOVEMENT ON SWAPO'S PART, THE CONTACT GROUP SUGGESTED THAT THE MEETING BE ADJOURNED AND RECONVENE LATER IN THE AFTERNOON SO THAT THE GROUP AND SWAPO COULD HAVE TIME TO REFLECT ON THE MONRING'S DISCUSSION. NUJOMA REPLIED THAT SWAPO WAS AVAILABLE FOR FURTHER MEETINGS BUT ONLY IF THERE WERE ADDITIONAL ISSUES TO DISCUSS. NUJOMA MADE IT CLEAR THAT SWAPO WAS NOT INTERESTED IN FURTHER TALK ON THESE POINTS. HIS CLOSING REMARKS WERE THAT IF ANOTHER MEETING WERE CALLED TO DISCUSS THESE POINTS AGAIN, SWAPO WOULD SIMPLY RESTATE THEIR PRESENT VIEWS.

5. COMMENT SWAPO'S POSITIONS TODAY SEEMED BROUGHT ABOUT BY A LACK OF SELF-CONFIDENCE AND A STRONG SENSE OF SUSPICION. SWAPO SEEMS AFRAID OF GETTING CAUGHT IN SOMETHING THEY DON'T FULLY UNDERSTAND. SWAPO APPEARS SUSPICIOUS OF ALL PARTY'S INVOLVED, AND AMBASSADOR SALIM (TANZANIA) HAS ACKNOWLEDGED SWAPO'S SUSPICIOUS OF EVEN THE FRONTLINE STATES. END COMMENT.
LEONARD

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